

ELIZABETH MCKENNA

(b) (6)

Legal Experience:
U.S. Environmental
Protection Agency

**OFFICE OF REGIONAL COUNSEL - ASSISTANT REGIONAL COUNSEL,
SEATTLE, WA, 2/1992 – PRESENT.**

Responsible for numerous CERCLA, RCRA, and Clean Water Act cases. Represented EPA in multi-million dollar cases involving multiple stakeholders and political sensitivity, including Portland Harbor, Tulalip Landfill, Upper Columbia River, Southeast Idaho Selenium Mine Sites, and Bristol Bay. Experience includes negotiation of consent decrees, administrative orders on consent, brief writing; oral argument; witness preparation; administrative motion practice; judicial litigation practice; coordination with natural resource trustees, technical staff, state representatives, tribal entities. Served as ORC's contact for NEPA issues, providing counseling on such issues as mining, hydropower, electricity transmission. National expert on EO 12580 and mixed ownership sites, Canada/US transboundary CERCLA issues.

**OFFICE OF REGIONAL COUNSEL - ACTING UNIT MANAGER,
SEATTLE WA, 1/2015 – 4/2015.**

Supervised issues related to CERCLA enforcement and counseling. Provided advice and leadership to attorneys handling CERCLA matters; managed workloads; participated in national Superfund branch chief meetings and national workgroup on EPA's CERCLA authorities to take response actions on tribal lands pursuant to E.O. 12580; worked with Office of Environmental Cleanup managers to prioritize work and engage in strategic planning.

**OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS - ATTORNEY-ADVISOR,
WASHINGTON, D.C., 9/1990 - 1/1992.**

Analyzed impact of proposed legislation on Agency programs; negotiated legislative language among interested Agency programs and other agencies, including the Office of Management and Budget; assisted in drafting lender liability rule; drafted congressional testimony for Administrator and Agency officials; prepared briefings for Administrator.

**Legal Leadership
Experience**

TULALIP LANDFILL SITE

Represented the Agency in a pilot allocation process: wrote briefs on the liability and share of responsibility of parties, defended testimony of former EPA employees, gave oral argument on behalf of EPA. Worked with team to devise settlement scheme for hundreds of parties based on allocation results. Negotiated consent decrees with various categories of PRPs. Demonstrated exceptional skills applicable to a GS-15 leadership role in ORC: developed and maintained relationships with acrimonious parties, successfully finding common ground that resulted in agreements benefitting the agency; commanded respect and trust of tribes, PRPs, EPA HQ, EPA management, and the State while forging novel solutions to a complex and politically charged situation.

SE IDAHO MINE SITES

Successfully reversed the legal course of multiple mine sites through application of keen legal analysis, advocacy skills, political acumen and excellence in building alliances. Demonstrated important skills applicable to a GS-15 level leadership role in ORC including take a broad perspective of a situation and advocating for change with an underpinning of solid legal analysis.

**Legal Leadership
Experience, contd.**

UPPER COLUMBIA RIVER SITE

Advocated for and assisted in developing amicus briefs in the District Court, 9th Circuit Court of Appeals, and Supreme court on issues of national significance regarding arranger liability of a foreign corporation under CERCLA, divisibility, liability for disposal via air emissions. Provide excellent legal advice to the program on ongoing RI/FS issues, and provide critical assistance to the program in maintaining a positive working relationship with the State, Tribes, DOI, and Teck.

BRISTOL BAY

Worked with program to develop final draft of the Bristol Bay Watershed Assessment, respond to massive public comments, develop the strategy and content of the Proposed Determination, develop 15 day notice letters to State, Corps and Pebble; work with DOJ on all aspects of the FACA litigation, helping to develop strategy and briefs, preparing for depositions, responding to discovery requests and motions, developing strategies for our affirmative case. Worked to respond to congressional oversight committee demands and IG investigation inquiries. Demonstrated exceptional skills applicable to a GS-15 leadership position in ORC: ability to work professionally and collaboratively with high level officials; ability to work effectively under high pressure and tremendous scrutiny; ability to grasp new and complicated areas of law and science efficiently in order to advocate for the agency.

Honors & Awards

Team Award (2014) for Publication of Final Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska (2014) || Golden Backbone Award (2012) in recognition of efforts to pursue joint and several liability of Teck Cominco for discharges to the UCR (2012) || Bronze Medal for Commendable Service from the Office of General Counsel for litigation in Teck Cominco petition for a Writ of Certiorari (2008) || Superfund Enforcement Team of the Year (2007) for successfully reaching a settlement with 28 previously non-settling PRPs at the Portland Harbor Site to help finance the RI/FS (2007) || Certificate of Commendation from the Assistant Attorney General of the United States (2006) for outstanding performance and invaluable assistance to DOJ in negotiating the Settlement Agreement with Teck Cominco at the UCR Site (2006) || Bronze Medal for Commendable Service from the Office of General Counsel for a landmark settlement at the UCR Site (2006) || Silver Medal for Outstanding Service from the EPA Administrator for settlement at the Upper Columbia River Site (2006) || Golden Backbone Award (2005) in recognition of efforts to achieve an acceptable legal solution in the Se Idaho Mine Sites (2005) || Bronze Medal for Commendable Service for Hazardous Waste Cleanup of Mixed Ownership Site Enforcement Team () || Bronze Medal for Commendable Service from the Regional Administrator for outstanding work counseling EPA managers on the Upper Columbia River Site (2002) || Gold Medal for Exceptional Service from the EPA Administrator for work on the Tulalip Landfill Superfund Site || Bronze Medal for Commendable Service from the Office of Congressional and Legislative Affairs for work on the lender liability rule (1992).

Education

GEORGE WASHINGTON UNIVERSITY, Washington, D.C., Juris Doctor, (b) (6)

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MIDDLEBURY COLLEGE, Middlebury, VT, Bachelor of Arts, (b) (6)

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